

# THE ROLE, TRAINING, USE AND PERCEIVED EFFECTIVENESS OF THE GUARDIAN AD LITEM WHEN USED IN CHILD ABUSE AND NEGLECT CASES IN MISSOURI JUVENILE/FAMILY COURTS

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## EXECUTIVE SUMMARY

The United States has a vested interest in the protection of its children as emphasized by the passage of the 1974 Child Abuse Prevention Treatment Act that encourages all states to provide representation to children involved in civil abuse and neglect judicial proceedings. Missouri responded to this initiative by establishing a law that requires the appointment of a guardian ad litem to every child who is involved in an abuse and neglect case in family/juvenile court. The guardian ad litem is responsible for protecting the “best interests” of the child. In 1996, the Missouri Supreme Court gave emphasis to the importance of the guardian ad litem position by approving “Standards for Guardians ad Litem”. For courts adopting these standards, they outline a minimum number of training hours as well as a recommended training curriculum for guardians ad litem.

This study examined Missouri’s guardian ad litem program on a number of levels from several different perspectives. Initial information soliciting a list of current guardians ad litem was sought through each of Missouri’s judicial circuit clerks. Missouri juvenile/family court judges and commissioners, guardians ad litem and CASAs serving in the guardian ad litem capacity were all surveyed. Information collected from these surveys includes method of guardian ad litem assignment, method of guardian ad litem compensation, extent and perceived effectiveness of guardian ad litem training, and the services guardians ad litem offer as well as the perceived effectiveness of guardian ad litem services.

The analyses show that there is no statewide standard method of guardian ad litem assignment to neglected and/or abused children in juvenile court proceedings. Each Missouri County appears to use a method that is suitable to their situation. An issue that appears to be more poignant for many guardians ad litem is compensation. Guardians ad litem responded that they are compensated in various methods (from fee set by county to no compensation), but more importantly, they are paid relatively meagerly to work as a guardian and in some cases have trouble getting paid at all.

With respect to guardian ad litem training issues, there is widespread confusion as to whether or not the Missouri Supreme Court Standards for guardians ad litem have been adopted. Nonetheless, a majority of responding guardians have had the 12 hours of training as mandated by the Standards - even if their circuit has not adopted the Standards. When asked about the training quality, responses from attorney guardians ad litem are mixed, while at the same time, the training was perceived to be beneficial for job performance by a majority of the responding guardians ad litem. CASAs are receiving more training than attorney guardians ad litem and overall, they perceive both the quality and benefits of their training in a positive light.

In the analysis of the services that Missouri guardians ad litem provide it is apparent that guardian ad litem respondents perceive their responsibilities as focusing more on courtroom duties than outside community and client consultations. On the other hand, CASA respondents indicate an overall pattern of responsibility that focuses on the child and maintaining close contact with the child. And finally, the judges and commissioners, similar to the attorney guardians, perceive guardian ad litem responsibilities in more of a legal nature.

Judges and commissioners were asked to respond to the overall effectiveness of guardians ad litem in their court and very seldom are judge respondents critical of the guardians ad litem. Their concerns are directed more at the guardian ad litem system rather than at individual guardians ad litem: such as, there is a need for more qualified guardians ad litem.

Given the present findings of this research, our overall suggestion is the formation of a statewide governing body to oversee the guardian ad litem program. This body is foreseen to be more of a managerial and information gathering body, rather than an autocratic, regulatory body. Were one to be created, the immediate tasks at hand shall include:

- A statewide master list of guardians ad litem updated annually/semi-annually
- A list of circuits that use guardians ad litem
- A list of circuits that have adopted the Missouri Supreme Court Standards
- A publication of “best practices” for the recruitment, training, supervision and accountability of guardians ad litem
- A list of guardians ad litem willing to assist in circuits lacking available personnel
- A list of suggestions for circuits to motivate guardian ad litem participation and effectiveness that reflect an understanding that monetary compensation for guardians ad litem is an issue
- Investigation of the role of guardians ad litem with respect to mediation and negotiation. While listed as a training area by the Missouri Supreme Court, our research reflects that it is not perceived as a major responsibility by many of our respondents. This contradiction should be resolved.

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## INTRODUCTION

In 1999 in the United States of America, 2,974,000 referrals were made to child protective services ([www.act.dhhs.gov/programs/cb/publications/cm99/high.htm](http://www.act.dhhs.gov/programs/cb/publications/cm99/high.htm) 2001). According to the 1999 Missouri Department of Social Services - Division of Family Services Annual Report, there were 46,261 reports of child abuse and neglect involving a total number of 71, 542 children (Missouri Department of Social Services, 2000). The Missouri Department of Social Services states that child abuse is defined in the Missouri Child Abuse Law, Section 210.110 RSMo as:

any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by those responsible for his care custody and control except that discipline including spanking, administered in a reasonable manner shall not be construed to be abuse (Missouri Juvenile Justice Association, 2000:9).

Child neglect is defined as:

the failure to provide, by those responsible for the care, custody and control of the child, the proper or necessary support, education, as required by law, nutrition or medical, surgical, or any other care necessary for the child's well being (Missouri Juvenile Justice Association, 2000:9).

Overall, there were 6,143 Probable Cause Reports, which involved a total number of 9,145 Missouri Children. That number represents 13 percent of the total number of reported cases (Missouri Department of Social Services, 2000). Though that percentage seems low, however, the 1994 Senate Bill 595 (expanded statewide in 1999) resulted in a total of 25,504 reports involving 41, 240 children to be handled under the Family Assessment Approach. This approach “provides for a prompt assessment of a child and their family when the child has been reported to the DFS as a victim of abuse or neglect by a person responsible for that child’s care, custody or control. Family assessments include the provision of community based services to reduce the risk of abuse and neglect to support the family. This approach takes the place of the traditional investigation” (Missouri Department of Social Services, 2000:7). This number represents over 55 percent of the total cases referred.

Missouri obviously has, as do all other states, an interest in the protection of its children who are abused and neglected. There are many ways to accomplish this goal. The passage of the 1974 Child Abuse Prevention Treatment Act encouraged all states to provide representation to children involved in civil abuse and neglect judicial proceedings, in the form of a guardian ad litem (GAL). States were motivated to develop a guardian ad litem system for children involved in juvenile proceedings resulting from a child abuse or neglect incident by the introduction of Federal Grant funds. In response, Missouri law requires that when a case comes to the attention of the juvenile court and deals with an abused or neglected child, a guardian ad litem *must* be appointed. The law was designed to guarantee that every child going through a juvenile court hearing that alleges that they are a victim of child abuse or neglect will have someone looking out for their own “best interests.”

In 1996, the Missouri Supreme Court approved Standards for Guardians ad Litem. The Standards however, did not have to be adopted by every court, and the decision of adoption rested in the judicial circuit. For courts choosing to adopt the Standards, guardians ad litem are required to complete a specified amount of initial training followed by specialized yearly training. This training is to provide education and a forum for discussion as to what it means to exercise “independent judgement” both legally and ethically on behalf of the child.

Most states now have a guardian ad litem program in place. The question now must be asked: Are these programs fulfilling their function? According to a recent article by Flango (2001), “With all of the changes in federal law relating to child maltreatment ... courts have become active partners with child welfare agencies in assuring safety and permanency for children” (p. 4). Because of that partnership, the author suggests that it is time to apply measurable outcomes to court processes. The author suggests the goal of “ensuring that cases are dealt with impartially and thoroughly, based on evidence brought before the court” can be measured one way by determining the “percentage of children receiving guardian ad litem or court appointed special advocate (CASA) volunteers in advance of the temporary custody hearing” (2001:4). It would seem necessary that states examine their guardian ad litem programs to determine not only what percentage of children receive this service, but also to determine exactly what services are being received and the perceived effectiveness of those services.



## **STATEMENT OF THE PROBLEM**

Until this research, the Missouri guardian ad litem program has not been examined. This research examines the Missouri guardian ad litem program on a number of levels to address a number of research issues. These issues include:

- How are guardians ad litem provided to children during juvenile court abuse and neglect hearings? How are these guardians ad litem compensated?
- What training do guardians ad litem receive? Is it effective?
- What legal services do these guardians ad litem provide? How effective are the services provided by the guardians ad litem? Are different services provided by guardians ad litem in neglect and abuse cases as opposed to custody dispute cases?
- What percentage of Missouri's abused and neglected children who go through a juvenile court hearing are represented by guardians ad litem?

Missouri is not the first state to assess aspects of its guardian ad litem program. The following literature review offers summaries of relevant research that examines the role of guardians ad litem in the juvenile justice/ family court system.

## **LITERATURE REVIEW**

The following literature review will first examine relevant literature that pertains to the GAL system on a nationwide basis. Research on Guardians ad litem) is fairly scarce. The U.S. Department of Health and Human Services conducted a national study of guardian ad litem representation and only a few states, including Minnesota and Utah, have attempted to evaluate the guardian ad litem programs.

Second, the literature review will offer a detailed overview of the guardian ad litem program as it appears in Missouri laws and statutes. As a note, there appears to be ample confusions about the term “guardian ad litem” itself. Some states define a guardian ad litem as anyone who would represent the best interest of the child, while in other states it has been defined as someone who legally represents a child. The following literature deals with guardian ad litem programs that are designed to fulfill the mandate of the 1974 Child Abuse Prevention Treatment Act to provide representation to children who are involved in the civil abuse and neglect judicial proceedings.

### **An Overview of the Guardian Ad Litem Programs Nationwide**

#### **The Use of GALs**

Each state in the nation has adopted legislation providing for the appointment of guardian ad litem and has adopted its own methods of providing guardian ad litem services. States, and even jurisdictions within a state, vary widely in the ways that they provide guardian ad litem

representation. According to one national study, “Coherence and consistency of guardian ad litem representation clearly is the exception in most states” (US Department of HHS, 1994:7).

At least forty-three states mandate the appointment of a guardian ad litem in all abuse or neglect proceedings. In the remaining states, the appointment of guardians ad litem is either totally discretionary or required only in certain cases, such as the termination of parental rights (State of Minnesota, 1995:8).

### **Appointment of GALs**

As varied as the guardian ad litem services are among states, the methods for appointment of guardians ad litem to a case also vary tremendously. Many different models exist to provide guardian ad litem services. There is considerable debate about what is the “best” model, and little consistency across or within states on who should serve as a guardian ad litem (US Department of HHS, 1994: 39).

Originally, only attorneys served as guardians ad litem. In the late 1970s, the use of volunteers or court appointed special advocates (CASAs) to serve as guardians ad litem emerged. That trend increased as the Administration for Children, Youth and Families included volunteers programs as criteria to receive grants. Other models for providing guardian ad litem services has developed, but three general models have become dominant:

Paid Attorney Model: Attorneys are hired to serve as guardians ad litem and can be either private attorneys in practice or be hired on as staff attorneys serving as guardians ad litem. If the attorney is in private practice, the Judge will usually appoint the attorney from a panel or a court appointment

(or roster) list. A staff attorney would be hired to work as the guardian ad litem within the hiring jurisdiction.

Volunteer Model: Volunteers are selected and trained by the court or an independent CASA Program to serve as guardians ad litem. In some states, volunteers do serve as guardians ad litem, but are assisted by private attorneys serving as legal counsel.

Paid Non-Attorney Model: Non-attorneys are selected by the court to serve as guardians ad litem. Some jurisdictions may use social workers or case workers, while others may use non-attorneys who have no special training and do not work in related areas. This model is not used as widely as the first two models.

The type of guardian ad litem model used varies from state to state and some states use a combination of models (US Department of HHS, 1994:17-20).

### **Training Requirements for Guardians Ad Litem**

Training for guardians ad litem is a very timely and controversial subject. Without adequate training guardians ad litem may not understand issues involved in court proceedings involving abuse and neglect cases. Training also helps educate the new guardians ad litem about their roles and responsibilities. In addition, training can help guardians ad litem who are not attorneys understand some of the technical aspects of judicial proceedings.

Many states have some form of training requirements for volunteer guardians ad litem, but only five states require training for attorney guardians ad litem. If the state does not require



training, many local (county or court district) guardian ad litem programs adopt guardian ad litem training requirements (State Of Minnesota, 1995:14).

The length of training and the topics covered in local programs vary from jurisdiction to jurisdiction, and there is little consistency within a state. States and local jurisdiction using volunteer guardians ad litem have training requirements set either by the jurisdiction or by the CASA Program. Only a few states appear to require specialized guardian ad litem training for attorneys who serve as paid guardians ad litem. Minnesota, for example, does not have a statewide training requirement for guardians ad litem, but does have locally set training requirements that vary across jurisdictions (State of Minnesota, 1995).

Evaluating the training guardians ad litem receive is important because it is related directly to how well guardians ad litem do their job and thus it impacts the effectiveness of the guardian ad litem program. “National literature indicates that training is essential for the effectiveness of the guardians ad litem” (State of Minnesota, 1995:67). However, there is no current research that evaluates guardian ad litem training effectiveness.

### **Guardian Ad Litem Program Effectiveness**

Studies that have included research on guardian ad litem program effectiveness typically evaluate effectiveness of the guardian ad litem program via the sitting judges’ perceptions. The judges typically respond positively with respect to the quality of the guardian ad litem program. In Minnesota, when asked about the overall effectiveness of the guardians ad litem, judges reported being generally satisfied with the guardian ad litem program, though the reactions of family practice lawyers and public defenders were less positive. Parent advocates and lawyers identified problems with individual guardians ad litem, including bias toward either mothers or

fathers, ignorance about legal procedure, and failure to adequately investigate a child's situation (State of Minnesota, 1995). Judges in Utah generally praised the guardians ad litem work despite their limited funding and limited training (State of Utah, 1994).

### **The Missouri Guardian Ad Litem Program**

The Missouri Supreme Court approved standards for guardians ad litem in September of 1996. According to Chapter 210.160 in the 2000 revised Juvenile Code, in every case involving an abused or neglected child that results in a judicial proceeding, there shall be a guardian ad litem appointed to represent the child who is a subject of that proceeding (Missouri Juvenile Justice Association, 2000:18).

For courts choosing to adopt the Missouri Supreme Court Guardian Ad Litem Standards, the following is applicable. Only a licensed lawyer or a court appointed special advocate volunteer (with the services of a lawyer available if needed) shall be appointed to act as a guardian ad litem for a child. The guardian ad litem is to be put in place no later than the first proceeding that requires a guardian ad litem by law. The term of appointment lasts until the matter is concluded or the guardian ad litem is released of duty by the court.

The guardian ad litem is to be guided by the best interest of the child. The guardian ad litem *does not serve as the lawyer to the child and represents the best interest of the child as opposed to the preferences of the child.*

The standards define basic job requirements of a guardian ad litem. Guardians ad litem are to faithfully perform the duties of advocacy for timely hearings, to offer explanations to the child, when appropriate, of what the purpose of the hearing is, to participate in the court hearings, to protect the child as a witness and to make recommendations to the court.

In order to effectively execute the mandates of their job, guardians ad litem are required, under the standards, to be trained. The Standards call for 12 hours of specialized training to be completed before serving in the capacity as guardian ad litem. After that, a guardian ad litem is required to complete six hours of specialized training annually. According to Standard 16.0, the appointing court must receive an affidavit of completed training hours on the 31<sup>st</sup> of July of each year.

According to Standard 16.0, the training of guardians ad litem should include the following topics: the dynamics of child abuse and neglect issues; factors to consider in the determination of the best interest of the child, including permanency planning; the interrelationships in the family; the Court and the Division of Family Services; mediation and negotiation skills; Federal, State and local legislation and case law effecting children; cultural and ethical diversity and gender specific issues; family and domestic violence issues; available community resources and services; child development issues; and guardian ad litem standards.

Guardians are not required by Standards to receive their training from a specific vendor. The Missouri Bar Association offers the specialized training. An example of their twelve hour basic specialized training curriculum consists of: family violence and its effect on children; dynamics of child abuse and neglect; ethics; Federal, State and local law, including statutory changes; child development and custody schedules; interviewing the child witness; conflict resolution; mediation and negotiation; permanency planning; records for dummies; cultural/ethnic/gender issues; and parenting plans. The Missouri Bar Association, or any agency providing training programs for the guardians ad litem must be accredited by the Supreme Court of Missouri's Judicial Education Committee.

## **METHODOLOGY**

The research presents four research questions/ question groups. The methodology section first addresses those four questions/ question groups and then discusses the methodology employed in the research project. The four major research questions/ question groupings are:

**Question Grouping 1:** How are guardians ad litem provided to children during juvenile court abuse and neglect hearings? How are these guardians ad litem compensated?

**Question Grouping 2:** What training do guardians ad litem receive? Is it effective?

**Question Grouping 3:** What legal services do these guardians ad litem provide? How effective are the services provided by the guardians ad litem? Are different services provided by guardians ad litem in neglect and abuse cases as opposed to custody dispute cases?

**Question 4:** What percentage of Missouri's abused and neglected children who go through a juvenile court hearing are represented by guardian ad litem?

### **The Four Survey Groups and the Methodology**

We decided that the most methodologically sound way for this information to be gathered was through the use of survey research. There has been no previous research completed on the Missouri Guardian Ad Litem program. Therefore, we had to design a research methodology that would be exploratory in nature, and yield us the most information possible. We collected the data from four sources: the Circuit Clerks in the 45 Missouri Judicial Circuits, attorneys who have or are likely to serve as guardians ad litem in Juvenile/ Family Court in Child Abuse and

Neglect Cases, Court Appointed Special Advocate (CASA) volunteers in Guardian ad Litem Model programs, and Juvenile and Family Court Judges and Commissioners.

Representatives from the program Evaluation Division for the Office of the Legislative Auditor for the State of Minnesota had conducted a similar research project in 1995. We contacted them regarding their research design and they sent us copies of their survey instruments for the Judges and guardians ad litem. We used some of their survey concepts in our research designs.

### ***Circuit Clerks***

Initially, the Circuit Clerks of all 45 Missouri Judicial Circuits were sent a questionnaire requesting information from them regarding the Guardian ad Litem procedures used in Juvenile Courts for abuse and neglect hearings. We obtained contact information from the Directory to the Missouri Judicial Department, published by the Office of State Courts Administrator (2000). The questionnaire asked which circuit was reporting, and information regarding the reporter. The survey asked for information regarding the type(s) of guardian ad litem program(s) used in the circuit (i.e. Circuit, Roster, CASA Other). We asked the Circuit Clerks to include contact information regarding the guardians ad litem in the circuit. And finally, we asked the Circuit Clerks if they could provide us with information concerning the actual number or percentage of abuse and neglect cases coming through the Juvenile/ Family Court where there was guardian ad litem representation. (See Appendix A for Survey)

There were 116 surveys sent out to the Circuit Clerks, 48 were returned. One response was a letter stating that the survey was forwarded to the judge. Forty-seven surveys yielded helpful information and provided an initial response rate of 41 percent. The initial response

resulted in less usable information than was desired. Many of the clerks did not have information about the GAL program as requested. Some were hesitate to share that information with us and suggested we talk with the judges. Because of the trends we spotted in the returned surveys, it was decided to follow up the initial survey with phone calls instead of another follow-up survey. Some of the phone calls resulted in follow-up surveys being distributed, and in other cases, information was collected over the phone. The phone calls resulted in the return of ten additional surveys, bringing the total number of returned surveys to 57. The final return rate from the Circuit Clerks was 49 percent. Overall, there were seven judicial circuits from which we received no information.

### ***Attorneys Eligible to be Assigned as GALs***

The nature of the research questions made it necessary to survey those attorneys who have served, or could serve as guardians ad litem in abuse and neglect cases in juvenile court. Our intentions had been to use the contact information provided to us by the circuit clerks to gather the contact information for the attorneys involved in the guardian ad litem program. Some clerks included lists of attorneys used, and a very few cited an individual guardian ad litem used in the circuit and provided us the contact information. When the clerks provided us those names, they were included on our survey list.

However, many clerks responded that *all attorneys in good standing* were eligible to be in the guardian ad litem program without providing any additional information. It was decided that as this information provided did not yield us the names and contact information of those attorneys eligible to be used in the guardian ad litem programs, we needed to find that contact information. We turned to the Missouri Legal Directory, 2000 that lists the names and address of

attorneys in good standing, by circuit, in the state of Missouri. We compiled a master list of potential attorneys that consisted of those attorneys who are in good standing and could possibly serve as a guardian ad litem, and those names and addresses provided by the circuit clerks. The final list contained 1256 names.

Twelve hundred and fifty-six surveys were mailed out to attorneys in good standing in Missouri, attorneys who served as a circuit guardian ad litem, and attorneys listed as guardians ad litem on the forms received by the Circuit Clerks. Thirty-four letters were returned with no forwarding address or person deceased. It was understood that many attorneys who would not ever be or want to be involved in the guardian ad litem program would receive surveys. In an attempt to keep our return rates as accurate as possible, in our cover letter, we stressed what we were looking for and asked the attorneys who would not, or had not been involved in the guardian ad litem program in their circuits to indicate that response on the instrument and still return the instrument.

After the initial return rate was calculated, we decided that we would not do a second blanket survey because of sample size. We were most concerned about the attorneys who were serving as guardians ad litem. We contacted the Missouri Bar Association Training Division, and were forwarded from them, a copy of the names and addresses of the attorneys who had attended the MOBar Guardian ad Litem Training (both initial and advanced) in the last two years. This would ensure that we sent follow-up surveys to attorneys who were trained and should be active in the guardian ad litem program in their judicial circuit. A second mailing was done. The names on the MOBar list were crossed-checked with the first attorney mailing and both the new duplicated names were sent a survey again – the duplicated names, only if we did not have a definite response from the first mailing. This resulted in the mailing out of 343

additional survey instruments, with 89 surveys being second mailings. Thirteen surveys were returned with bad addresses. Overall, 1476 surveys were mailed out to attorneys in the state of Missouri.

Of the percentage of responses received, we cannot determine what percentage of lawyers that have served as guardians ad litem in Missouri's juvenile courts in abuse and neglect cases, responded to our surveys. Overall, 337 surveys were returned for a response rate of 23 percent.

The survey instrument asked for information from the guardians ad litem regarding about their tenure in the guardian ad litem program in their circuit. The type of program in their circuit was addressed, as was the compensation system in place. The next section of the survey instrument addressed the issue of guardian ad litem training received and its perceived usefulness in practice. The next section of the instrument asked about job duties and requirements and also about Judicial response to their role and recommendations. Finally, demographic information was requested for use in research analysis. (See Survey in Appendix A)

### ***Court-Appointed Special Advocates***

We checked with the Missouri CASA Association, and found that there are three counties in Missouri where the CASA Program is designated as a Guardian ad Litem Model, and not a Friend of the Court Model. In the Guardian ad Litem model, the CASA volunteers do take on the roles and responsibilities of the GALs. Thus, we felt it necessary to survey the three CASA programs cited as the Guardian Ad Litem Model. The Directors of the three programs were contacted. All expressed a willingness to assist us by providing us contact information about the volunteers in their program. We received mailing addresses and in one case mailing labels from



the CASA Director. We asked for permission to use the director's name and a statement of support for the project in the cover letter. The CASA survey was mailed out to 249 volunteers in the three programs. Eighty-six surveys were returned for a response rate of 35 percent. The survey instrument sent to CASA volunteers was very similar to the instrument sent out to the attorneys as the information needed was the same. Again, it was decided not to do a follow-up survey of those who did not respond.

### ***Judges and Commissioners***

The final survey group included in the research was the judges and commissioners who sit in juvenile and family courts in Missouri. To find the most current list possible, the Missouri Juvenile Justice Associate publication "Missouri 2001 Juvenile And Family Court Directory" was used. A list of 81 juvenile and family court judges and commissioners was compiled. The surveys that the judges and commissioners received asked for information regarding the philosophy used by the juvenile courts in guardian ad litem selection, as well as information regarding the prevalence of guardian ad litem use. The judges also were asked if their circuit adopted the standards which required guardian ad litem training. This information will be very important in the analysis.

The survey asked the judges about their opinion regarding guardian ad litem training topics; what professional characteristics they experience with the guardians ad litem in their judicial circuit; and their perceptions of guardian ad litem duty and responsibility. In addition, demographic information was collected from the respondents. (See Survey in Appendix A)

Surveys were then mailed. Because of the smaller sample size, the judicial survey was followed up with additional mail-outs. The number of surveys mailed out the second time was

55. We followed up the second mailing with phone calls to the circuits that had not responded. Forty-nine judges returned the survey for a final return rate of 61 percent was recorded.

### **Analysis of the Data**

The surveys were coded, and entered into the computer. We used SPSS statistical software to evaluate the data. Since this is primarily an exploratory study for the state of Missouri, the statistics utilized are purely descriptive.

## **STUDY FINDINGS**

The research addresses four different but interrelated research question groupings. The results of this research are organized and presented according to those four research question groupings.

### **QUESTION GROUPING 1: How are guardians ad litem provided to children during juvenile court abuse and neglect hearings? How are these guardians ad litem compensated?**

The first group of research questions addresses two issues. The first question asks how guardians ad litem are provided to children during juvenile court abuse and neglect hearings. The second question addresses how these guardians ad litem are compensated for their work in abuse and neglect cases.

In our preliminary discussions with guardians ad litem and circuit clerks across the state, there appeared to be some confusion as to how guardians ad litem are assigned to children involved in abuse and neglect cases. Therefore, in our surveys, we asked this question to three

different survey groups to determine the extent of consistency from respondents regarding case assignment. Below are the responses of all three groups.

### **Judges' Responses to Method of Guardian ad Litem Assignment**

The findings indicate that the most common method of selecting guardians ad litem in abuse and neglect cases, according to 61 percent of responding judges, is random selection. Otherwise, 34.7 percent judges responded that they use the assigned circuit or county guardian ad litem, and another 37.4 percent responded that the selection of guardian ad litem is based upon the personal suitability of the guardian ad litem to the individual case. The least utilized method of assignment according to the judges is the recommendation of a guardian ad litem by the local guardian ad litem administrator [only available in two circuits]. Selection by recommendation of the judge was not given as an option on the judges' questionnaire. (See Table 1).

### **Guardians' ad Litem Responses to Method of Guardian ad Litem Assignment**

Most guardians ad litem (56.8%), responded that the method of guardian ad litem assignment in abuse and neglect cases most often used is random selection. Just under half of the respondents (45.7%) cited guardian assignment by judicial recommendation as the method used most often. Just over one-third (36.8%) of the respondents cited that assignment of guardians followed individual case attorneys recommendation. The least cited method of assignment according to respondent guardians ad litem is assignment by a guardian at litem administrator (1.8%). (See Table 1).

## **CASAs' Responses to Method of Guardian ad Litem Assignment**

Table 1 indicates that assignment of a CASA to serve as a guardian ad litem appears to be based upon the personal suitability of the CASA to the case. Almost half, (47.7%) of the CASAs responded that this is the method of assignment used in their program. CASAs responded that random selection (40.7%) and recommendation of the CASA coordinator (38.4%) are also among the top methods of assigning guardians ad litem to children in abuse and neglect cases. Cited by the respondents as the method of guardian assignments least used is recommendation of the case attorneys (3.5%).

**Table 1. Survey Responses to the Method of Providing Guardians Ad Litem to Children in Abuse and Neglect Cases**

Percentage (N)	Judges	GALs	CASAs
<b>Random Selection of GAL</b>	61.2 (30)	56.8 (191)	40.7 (35)
<b>Personal Suitability of GAL</b>	34.7 (17)	26.7 (90)	47.7 (41)
<b>Circuit/County GAL</b>	34.7 (17)	7.1 (24)	- - -
<b>Case Attorneys Recommend</b>	16.3 (8)	36.8 (124)	3.5 (3)
<b>GAL with Lightest Caseload</b>	6.1 (3)	8.0 (27)	25.6 (22)
<b>GAL Preference</b>	6.1 (3)	7.4 (25)	23.3 (20)
<b>GAL Administrator Recommends</b>	4.1 (2)	1.8 (6)	38.4 (33)
<b>Other / don't know</b>	2.0 (1)	5.6 (19)	11.6 (10)
<b>Judge Recommends</b>	- -	45.7 (154)	14.0 (12)

\*Percentage totals do not add to 100 because respondents could select multiple answers.

## **Method of Compensation for Guardians ad Litem**

Guardians ad litem and CASAs were asked how they receive compensation for their work in abuse and neglect cases. With respect to CASAs who serve as guardians ad litem, they generally receive no monetary compensation as they are volunteers. This is supported by 84 of the 86 survey respondents. Two respondents failed to respond to this item.

As Table 2 indicates, 32.6 percent of guardians ad litem responded that they are compensated for their work by billing the court or the parents involved in the case or a case-by-case basis. Nearly one-fourth (23.4%) of the guardians ad litem responded that they are paid on a flat fee basis set by the county or circuit, and that that fee is generally at a reduced rate compared to their regular hourly fee. Only 7.4 percent of the responding guardians ad litem stated that they receive their regularly hourly fee. Table 2 indicates two other methods of guardian compensation: the guardian ad litem position is a salaried position (7.4%) or kept on a monthly retainer (7.1%) by the circuit or county to serve as a guardian ad litem when needed. For unknown reasons 18.7 percent of the responding guardians elected not to reply to this item.

**Table 2. How Guardians Ad Litem are Compensated**

<b>Method</b>	<b>Percentage</b>	<b>N</b>
Bill on case-by-case basis	32.6	110
Flat Fee/County hourly rate	23.4	79
Salaried position	7.4	25
Normal hourly rate	7.4	25
Monthly retainer	7.1	24
No compensation	3.3	11
No answer	18.7	63
<b>Totals</b>	100	337

Table 3 examines the additional written comments made by respondents regarding compensation for their guardian ad litem duties. Ninety-eight comments were received. The comments were coded according to content. Many comments were counted in two categories. For example, someone answering that they are on a reduced hourly rate basis has been counted in both the hourly rate and reduced rate categories. Therefore, the number of responses does not add up to 98. The majority of respondents commented that they are compensated by a reduced

hourly rate plan, with the hourly rate spanning from \$30 to \$100 per hour. Thirteen respondents commented that they receive no compensation for some or all of their guardian ad litem cases.

**Table 3. Additional Written Comments by Guardian Ad Litem Respondents: Compensation**

<b>Comment</b>	<b>Number</b>
Reduced Rate	31
Hourly Rate	30
\$100/hr	2
\$75/ hr	3
\$65/ hr	1
\$60/ hr	7
\$50/ hr	8
\$40/ hr	2
\$33/ hr	1
\$30/ hr	2
Monthly Retainer / Fee	5
\$1000/ month	1
Annual Contract	2
No Compensation - all or some cases/ salary paid by firm	13
Court Order/ Fee Set by Court / County	11
Flat Fee	3
Assessed as Court Costs	5
Juvenile Office Billed	2
Other	4
<b>Total</b>	<b>98</b>

## **QUESTION GROUP 2: What Training Do Guardians ad Litem Receive?**

The other research question of this grouping asks what training guardians ad litem receive and about its perceived effectiveness. However, these questions are addressed only after answering a few preliminary questions relevant to the training issue.

### **Adoption of the Missouri Supreme Court Standards for Guardians ad Litem**

Since the Missouri Supreme Court has set standards for guardian ad litem training only for those circuits or counties that have adopted those standards, the first research question asks respondents if their circuit has adopted the Missouri Supreme Court Standards. Table 4 provides

aggregate responses from both the judges and the guardians ad litem. Of the judges, 55.1 percent responded that their circuit has adopted the Standards while 42.9 percent say they have not been adopted. Guardians ad litem responded that 38.3 percent of their circuits have adopted the standards while another 42.1 percent responded that the Standards were not adopted.

**Table 4. Adoption of MO Supreme Court Standards for Guardian Ad Litem Training**

	<b>Judges</b>	<b>GALs</b>
<b>Yes</b>	55.1 (27)	38.3 (129)
<b>No</b>	42.9 (21)	42.1 (142)
<b>No answer</b>	2 (1)	19.6 (66)
<b>Totals</b>	100 (49)	100 (337)

\*Not all circuits are represented by the judicial respondents making comparisons to GALs' responses in this table incomprehensible.

A breakdown of the responses from both judges and guardians to the question of who has adopted the standards by circuit was analyzed. The judges and guardians ad litem in only two judicial circuits are in agreement as to whether their circuit has adopted the Missouri Supreme Court training standards. There are only nine circuits in which a majority of respondents agree upon adoption of the standards for their circuits.

### **Prevalence of Guardians Ad Litem with Training**

The following table addresses how many guardians ad litem have received the required training adopted by the Missouri Supreme Court. Table 5 indicates that over one-half (59.3%) of the responding guardians ad litem have taken the training. Less than one quarter (21.7%) have not taken the training and 19 percent of the responding guardians ad litem did not respond to this item. Qualitative remarks indicate that some guardians ad litem were “grandfathered” in and did



not have to take the training because they were serving as a guardian ad litem before training standards were adopted.

**Table 5. Percentage of Guardians ad Litem Receiving Training**

	Percent	N
Yes	59.3	200
No	21.7	73
No answer	19.0	64
Totals	100	337

### **Extent of Guardian ad Litem Training Prior to Serving as GALs**

The Missouri Supreme Court Training Standards require that 12 hours of training be taken before serving as a guardian ad litem. The research results indicate that 31.5 percent (106) of the responding guardians ad litem received the training before serving as a guardian in abuse and neglect cases. The range of accrued training hours spans from four hours to forty hours. Twelve hours of training was the most commonly (mode) reported length of training by 62 percent (66 guardians ad litem) of the responding guardians ad litem. Twenty percent (21 guardians ad litem) of the respondents have practiced as a guardian ad litem with less than 12 hours of training, while another 18 percent (19) received more than 12 hours of training.

### **Required Hours of Annual Continual Training**

Guardians ad litem working in judicial circuits adopting the Missouri Supreme Court Standards for guardians ad litem, are required to take a minimum of six hours of training annually. Forty-three percent (145) of the responding guardians ad litem reported that they believe they are required to have annual continual training for guardians ad litem. The reported range of required continual training hours is four to 20 hours with a majority (mode = 31%) of

the sample required to take at least six hours of annual continual training. Over one-half (57%) of the sample replied that they are not required to take any continual training or did not respond to this question at all.

### **Training that Guardians Ad Litem are Receiving and the Perceived Quality of that Training**

The Missouri Supreme Court Training Standards for guardians ad litem serving in abuse and neglect cases recommend a curriculum of training topics. This curriculum is used to assess what training guardians are receiving, as well as guardians' perceptions of the training quality.

The training topic that appears to be covered the most consistently among the responding guardians ad litem is *Dynamics of Child Abuse and Neglect Issues* as only one percent responded that they did not receive this training. *Permanency Planning and Family and Domestic Violence* are listed by only 1.6 percent of respondents as not covered in training. The issue least covered in training is *Mediation and Negotiation Skills* as 15 percent of the responding guardians ad litem replied they did not received this training. (See Table 6).

With respect to the quality of the guardian ad litem training that guardians are receiving, *Guardian Ad Litem Standards* and *Dynamics of Child Abuse and Neglect Issues* are perceived to be good or excellent by 72.0 percent and 71.5 percent respectively of the responding guardians. Perceived to be of poor training quality by 23.3 percent of the responding guardians ad litem is the training on *Gender Specific Issues*. (See Table 6).

**Table 6. Guardian ad Litem Perceived Quality of Training**

	<b>Excellent/ Good</b>	<b>Poor</b>	<b>Not Covered</b>	<b>Neutral</b>
Dynamics of Child Abuse and Neglect Issues	71.5	5.2	1.0	22.3
Best Interest of the Child Factors	66.8	7.8	2.1	23.3
Permanency Planning	50.5	15.6	1.6	32.3
Family Inter-relationships	36.3	12.6	5.8	45.3
Court and DFS	44.6	14.0	2.1	39.4
Mediation and Negotiation Skills	25.9	22.3	15.0	36.8
Relevant Current Legislation and Case Law	55.7	9.3	3.6	31.4
Cultural and Ethnic Diversity	30.1	19.7	11.4	38.9
Gender-Specific Issues	25.4	23.3	11.4	39.9
Family and Domestic Violence	68.2	5.2	1.6	25.0
Community Resources and Services	39.4	21.2	4.7	34.7
Child Development Issues	48.7	8.3	3.1	39.9
GAL Standards	72.0	5.7	1.0	21.2

### **GALs' Perceptions of Training Effectiveness**

The curriculum outline as recommended by the Missouri Supreme Court Standards for guardians ad litem is utilized to assess the training as it related to the performance of duties as a guardian ad litem in abuse and neglect cases. As Table 7 indicates, overall the subjects of the individual training topics are seen as beneficial to the duties of a guardian ad litem in abuse and neglect cases. However, the training involving *Factors in the Determination of the Best Interest of the Child* is perceived to be most beneficial by 88.1 percent of the responding guardians. In addition, *Dynamics of Child Abuse and Neglect Issues* training is also perceived to be beneficial by 85 percent of the responding guardians. The training involving *Cultural and Ethnic Diversity*, and *Gender Specific Issues* are perceived to not be beneficial by 12.1 percent of the responding guardians. (See Table 7)

**Table 7. Guardians ad Litem Perceived Benefits of Guardian ad Litem Training to the Performance of Duties as a Guardian ad Litem in Abuse and Neglect Cases**

	<b>Beneficial</b>	<b>Neutral</b>	<b>Not Beneficial</b>
Dynamics of Child Abuse and Neglect Issues	85.0	13.0	0.5
Best Interest of the Child Factors	88.1*	7.0	2.5
Permanency Planning	71.0	24.0	5.0
Family Inter-relationships	67.8	22.6	6.0
Court and DFS	68.1	26.9	4.5
Mediation and Negotiation Skills	49.0	33.0	10.0
Relevant Current Legislation and Case Law	72.9	23.1	3.0
Cultural and Ethnic Diversity	48.8	34.2	12.1
Gender-Specific Issues	49.3	34.7	12.1
Family and Domestic Violence	85.4*	12.1	2.0
Community Resources and Services	80.0	12.5	5.5
Child Development Issues	77.4	17.6	3.5
GAL Standards	78.9	18.1	2.5

Totals may not equal 100% because some training topics were not covered within GALs' training

### **Guardian ad Litem Perceptions of the Overall Effectiveness of Guardian ad Litem Training**

Guardians ad litem were asked to evaluate the overall effectiveness of their training with respect to how well it prepares them for guardian job responsibilities. Approximately one-half (47.7%) of those taking the training indicate it is effective training. Another 41.2 percent perceive it as average training, while 11.1 percent (22) perceive the training as ineffective for the performance of guardian ad litem duties in abuse and neglect cases.

### **CASA Training Prior to Serving as a Guardian ad Litem**

Over one-fourth (26.7%) of the responding CASAs report that they did not receive training prior to serving as a guardians ad litem in abuse and neglect cases. Of those who have

received training, the range of training is from six hours to 50 hours. The most common (mode) number of training hours is 30 with 12.8 percent of the responding CASAs receiving at least that many hours. The average amount of training received among CASAs who have reported receiving training is 22.4 hours.

### **Guardian ad Litem Training that CASAs are Receiving and the Perceived Quality of that Training**

The Missouri Supreme Court Training Standards for guardians ad litem serving in abuse and neglect cases recommend an outline of training topics. This outline is utilized to assess what training CASAs are receiving, as well as CASAs' perceptions of the training quality.

The training topics that appear to be covered the most consistently among the responding CASAs are *Best Interests of the Child Factors*, the *Court and the Division of Family Services* and *Guardian Ad Litem Standards* as every responding CASA listed these topics as covered in training. An issue not covered in training is *Relevant Federal, State and Local Legislation and Case Law Affecting Children* as reported by 9.6 percent of the responding CASAs. (See Table 8).

With respect to the quality of the guardian ad litem training that CASAs are receiving, *Dynamics of Child Abuse and Neglect Issues* is perceived to be good or excellent by 95.1 percent of the responding CASAs. Perceived to be of poor training quality by 10.5 percent of the responding CASAs is *Mediation and Negotiation Skills* training. (See Table 8).

**Table 8. CASAs Perceived Quality of Guardian ad Litem Training**

	<b>Excellent/ Good</b>	<b>Poor</b>	<b>Not Covered</b>	<b>Neutral</b>
Dynamics of Child Abuse and Neglect Issues	95.1	1.2	1.2	2.5
Best Interest of the Child Factors	90.2	-	-	9.8
Permanency Planning	71.6	3.7	4.9	19.8
Family Inter-Relationships	72.0	1.2	2.4	24.4
Court and DFS	82.7	1.2	-	16.0
Mediation and Negotiation Skills	47.7	10.5	7.0	29.1
Relevant Current Legislation and Case Law	51.8	6.0	9.6	32.5
Cultural and Ethnic Diversity	69.5	3.7	2.4	24.4
Gender-Specific Issues	51.2	6.1	8.5	34.1
Family and Domestic Violence	77.1	1.2	3.6	18.1
Community Resources and Services	71.6	4.9	3.7	19.8
Child Development Issues	65.9	3.7	4.9	25.6
GAL Standards	91.6	1.2	-	7.2

### **CASAs' Perceived Effectiveness of Guardian ad Litem Training**

The curriculum outline as recommended by the Missouri Supreme Court Standards for guardians ad litem is utilized to assess the benefits of training toward the performance of duties as a CASA guardian ad litem in abuse and neglect cases. As Table 9 indicates, overall the benefits of a majority of individual training topics are perceived as beneficial to the duties of a CASA guardian ad litem in abuse and neglect cases. However, the training on *Factors in the Determination of the Best Interest of the Child* is perceived to be beneficial to the largest majority (95.2%) of the responding CASAs. Although very few CASA respondents perceive any of the training as not beneficial, the training topics of *Mediation and Negotiation Skills* and *Cultural and Ethnic Diversity* are perceived to be the least beneficial by 3.6 percent of the responding CASAs.

**Table 9. CASAs' Perceived Benefits of Guardian ad Litem Training to the Performance of Duties as a Guardian ad Litem in Abuse and Neglect Cases**

	<b>Beneficial</b>	<b>Neutral</b>	<b>Not Beneficial</b>
Dynamics of Child Abuse and Neglect Issues	92.6	4.9	-
Best Interest of the Child Factors	95.2	4.8	-
Permanency Planning	84.3	12.0	-
Family Inter-Relationships	86.6	9.8	2.4
Court and DFS	89.0	8.5	1.2
Mediation and Negotiation Skills	68.7	20.5	3.6
Relevant Current Legislation and Case Law	73.5	19.3	1.2
Cultural and Ethnic Diversity	78.3	18.1	3.6
Gender-Specific Issues	65.1	27.7	2.4
Family and Domestic Violence	86.7	10.8	-
Community Resources and Services	89.2	8.4	-
Child Development Issues	81.9	13.3	1.2
GAL Standards	92.7	6.1	-

Totals may not equal 100% because some training topics were not covered within CASAs' training.

### **CASAs' Perceptions of the Overall Effectiveness of Guardian ad Litem Training**

CASAs serving as guardians ad litem were asked to evaluate the overall effectiveness of their training with respect to how it prepares them for guardian job responsibilities. Approximately three-quarters (79.1%) of those taking the training indicate it is effective training. Another 16.3 percent perceive it as average training, and no CASA perceives the training as ineffective for the performance of guardian ad litem duties in abuse and neglect cases.

### **Judges' Perceived Importance of Guardian Ad Litem Individual Training Topics**

Judges were asked to give their perceptions of the importance of specific training issues with respect to the performance of guardian's ad litem duties in abuse and neglect cases. Overall, all issues were perceived to be somewhat important for guardians. However, training in the area of *Factors in Determining the Best Interests of the Child* is perceived to be a most

important issues by 93.8 percent of the judicial respondents. *Permanency Planning* is also perceived to be very important by 91.5 percent of the judicial respondents. The training considered to be unimportant by the largest percentage of Judges (20.8%) is *Mediation and Negotiation Skills*. (See Table 10)

**Table 10 Judges' Perceived Importance of Guardian ad Litem /CASA Training to the Performance of Duties as a Guardian ad Litem in Abuse and Neglect Cases**

	<b>Important</b>	<b>Unimportant</b>	<b>Don't Know</b>
Dynamics of Child Abuse and Neglect Issues	89.6	6.3	4.2
Best Interest of the Child Factors	93.8	2.1	4.2
Permanency Planning	91.5	4.3	4.3
Family Inter-Relationships	81.3	8.3	10.4
Court and DFS	86.7	6.7	6.7
Mediation and Negotiation Skills	60.4	20.8	18.8
Relevant Current Legislation and Case Law	87.2	4.3	8.5
Cultural and Ethnic diversity	58.3	18.8	22.9
Gender-Specific Issues	54.2	18.8	27.1
Family and Domestic Violence	89.6	6.3	4.2
Community Resources and Services	87.0	4.3	8.7
Child Development Issues	85.4	6.3	8.3
GAL Standards	72.9	12.5	14.6

### **Suggested GAL Training Topics by Guardians ad Litem and CASAs**

Table 11 examines the additional comments made by respondents regarding the training topics that they would like to see provided. There were 70 total comments received. Many respondents have suggested more than one topic making the total number of suggestions add up to more than 70. Respondents who commented are most interested in a "Nuts and Bolts" presentation of "how to" be a guardian ad litem and what to do in court. Also requested is the



examination of the other agencies involved in abuse and neglect cases and their roles in the proceedings as well as hints in dealing with interagency case conflicts.

**Table 11. Additional Comments by Guardians ad Litem: Desired Training Topics**

<b>Comment</b>	<b>Number</b>
Motion Practice/ Pleadings/Evidence/Duties/"How To..."	13
Juvenile Court/ DFS/ DMH/ Case Conflicts	10
Small Children/ Child Development	8
Resources (Federal, State, Local)	8
Training Not Needed/ Effective/ Useful?	7
Sexual Abuse/ Physical Abuse	6
Interviewing the Child	4
Mediation	4
Effects of Foster Care/Types of Foster Care, etc.	3
Ethics	3
Confidentiality Issues	2
Drug Use	2
Diversity	2
Case Investigation Techniques	1
Psychological Tests	1
Case Study Approach	1
Role of GAL with Teen and Adolescents	1
Effective Time Management	1
<b>Total Comments</b>	<b>70</b>

Table 12 examines the additional comments made by CASA respondents regarding the training topics that they would like to see provided. There are 29 total comments received. Many respondents suggested more than one topic making the total number of suggestions add up to more than 29. Respondents who commented are most interested in training that deals with family interactions and provides an overview of juvenile court procedures. Also requested is the examination of the other agencies involved in abuse and neglect cases and their roles in the proceedings, as well as hints in dealing with interagency case conflicts. Another topic mentioned

by three respondents focused on issues impacting the CASA volunteers - the emotional impact of the work, as well as the personal time commitment and need for self-motivation.

**Table 12: Additional Comments by CASA Respondents: Desired Training Topics**

<b>Comment:</b>	<b>Number:</b>
Juvenile Courtroom Procedures	4
Dealing with the Family	4
How to deal with own emotions/self-motivation/time commitment/man	3
Interagency Relationship/ Roles/DFS/ Juvenile office	3
Report Writing and Report Presentation	2
Legal Standards/ Statutory Elements	1
Resources (Federal, State, Local)	2
Diversity	2
Permanency Planning	1
Interviewing the Child	1
Federal, State and Local Legislation	1
Best Interest and Preliminary Planning	1
Case Law	1
Mediation	1
Effects on Adults from Childhood Displacement	1
Child with Behavior Problems	1
Staff Support Meetings	1
Case Mentoring	1
<b>Total Comments</b>	<b>29</b>

### **QUESTION GROUPING 3: What Legal Services Do Guardian ad Litem Provide? How Effective Are the Services Provided by the Guardians ad Litem ?**

Guardians ad litem and judges were asked about their perceptions of the responsibilities guardians ad litem hold in abuse and neglect cases. In addition, questions evaluating the perceived effectiveness of the guardians ad litem in abuse and neglect cases are addressed.

### **GALs' Responsibilities as Perceived by GALs**

The following table lists a number of guardian ad litem responsibilities as determined through previous research. The largest majority (80.1%) of guardians ad litem *perceive reading relevant case files* as a responsibility. Other responsibilities receiving just over three-fourths of the guardian respondents' agreement are *conduct examination and cross examination* (79.2%), *making recommendations regarding visitation* (78.9%), *making recommendations regarding child's needs* (78.6%), *maintaining confidentiality* (78.6%), *being familiar with statutes governing family/juvenile court* (78.3%), *keeping current on progress of case* (77.4%), *interviewing pertinent parties* (77.4%), *suggesting alternative solutions* (76.3%), *visiting with client* (76.0%), and *seeking court action when needed* (76.0%).

*Supervising visitations* is perceived as a guardian ad litem responsibility by only 11.6 percent of the respondents. Also receiving little support as a responsibility by guardian respondents is *monitoring child support order* (14.2%), *facilitating service delivery* (16.3%), and *conducting mediation* (19.0%). (See Table 13).

### **Guardian ad Litem Responsibilities as Perceived by Judges**

Responding judges were nearly in unanimous agreement (95.9%) on the issue of *being familiar with statutes governing family / juvenile court* as a responsibility of guardians ad litem in abuse and neglect cases. Two other responsibilities many judges perceived to be duties of guardians are *informing the court of the child's wishes* (93.9%) and *reading case files* (93.9%). The guardian responsibilities perceived to be less of an issue by judges are *supervising visitation* (4.1%), *conducting mediation* (10.2%), and *attending school conferences* (10.2%). (See Table 13).

### Guardian ad Litem Responsibilities as Perceived by CASAs

The largest majority (96.5%) of CASAs perceive *maintaining confidentiality* as a responsibility. Other responsibilities receiving just over 95 percent of the CASA respondents' approval are *reading case files*, *interviewing pertinent parties*, *collecting relevant information during investigation* and *making written or oral reports to the court*.

*Reading relevant appellate and supreme court decisions* is perceived as a guardian ad litem responsibility by only seven percent of the CASA respondents. Also receiving little support as a responsibility by CASA respondents is *conducting mediation* (9.3%), and *monitoring child support order* (11.6%). (See Table 13).

**Table 13. Guardians ad Litem and Judges Perceived Responsibilities for Guardian ad Litem in Abuse and Neglect Cases**

	<b>GAL</b>	<b>CASA</b>	<b>Judge</b>
	<b>Percentage (N)</b>	<b>Percentage (N)</b>	<b>Percentage (N)</b>
<b>Develop Knowledge or Expertise:</b>			
Familiar with statutes governing family/juvenile court	78.3 (264)	76.7 (66)	95.9 (47)*
Read appellate & SC decisions	68.5 (231)	7.0 (6)^	73.5 (36)
Keep updated on relevant legislation	69.1 (233)	51.2 (44)	81.6 (40)
<b>Maintain a Relationship with the Child:</b>			
Inform the court of the child's wishes	74.8 (252)	93.0 (80)	93.9 (46)*
Help child understand court system	75.4 (254)	77.9 (67)	87.8 (43)
Assess long range effects on child	68.0 (229)	80.2 (69)	85.7 (42)
Report suspected abuse to child protection	64.7 (218)	86.0 (74)	87.8 (43)
Develop a relationship with child	62.9 (212)	81.4 (70)	69.4 (34)
Maintain regular contact with the child	48.1 (162)	95.3 (82)	63.3 (31)
<b>Maintain Professionalism:</b>			
Maintain confidentiality	78.6 (265)	96.5 (83)*	89.8 (44)
Maintain accurate organized records	69.4 (234)	94.2 (81)	61.2 (30)
Provide information on a "need to know" basis only	43.6 (147)	83.5 (46)	38.8 (19)
Consult and work with other professionals	75.4 (254)	94.2 (81)	79.6 (39)
Seek case consultation	39.8 (134)	73.3 (63)	44.9 (22)
Maintain contact with community resources	51.9 (175)	69.8 (60)	59.2 (29)
Seek supervision	27.3 (92)	69.8 (60)	22.4 (11)
<b>Conduct Independent Investigations to Develop Recommendations:</b>			

Read case files	80.1 (270)*	95.3 (82)*	93.9 (46)*
Interview pertinent parties	77.4 (261)	95.3 (82)*	89.8 (44)
Research critical issues affecting child's situation	67.1 (226)	89.5 (77)	75.5 (37)
Collect relevant information during investigation	73.3 (247)	95.3 (82)*	85.7 (42)
Attend school conferences	23.1 (78)	43.0 (37)	10.2 (5)^
Make recommendations regarding financial issues	30.6 (103)	24.4 (21)	40.8 (20)
Make recommendations regarding child's needs	78.6 (265)	93.0 (80)	87.8 (43)
Make recommendations regarding visitation	78.9 (266)*	84.9 (73)	85.7 (42)
Locate and recommend services for client	40.9 (138)	37.2 (32)	40.8 (20)
Conduct custody evaluations	43.0 (145)	33.7 (29)	26.5 (13)
Recommend appropriate placements	67.4 (227)	82.6 (71)	83.7 (41)
<b>Participate in the Court Process:</b>			
Attend case staffings or conferences	67.1 (226)	89.5 (77)	85.7 (42)
Attend and participate in meetings and negotiations	68.5 (231)	87.2 (75)	71.4 (35)
Attend mediation sessions	32.0 (108)	87.2 (75)	55.1 (27)
Participate in mediation	29.7 (100)	45.3 (39)	46.9 (23)
Participate in settlement conferences	64.4 (217)	51.2 (44)	73.5 (36)
<b>Actively Monitor Case Progress:</b>			
Visit with client	76.0 (256)	94.1 (81)	87.8 (43)
Visit with client's family	68.2 (230)	88.4 (76)	65.3 (32)
Maintain contact with service providers	67.7 (228)	88.4 (76)	65.3 (32)
Keep current on progress of case	77.4 (261)	94.2 (81)	89.8 (44)
<b>Provide for Legal Representation:</b>			
Conduct examination & cross examination	79.2 (267)*	26.7 (23)	91.8 (45)*
Request appointment of attorney for the child	26.7 (90)	22.1 (19)	28.6 (14)
Seek court action when needed	76.0 (256)	61.6 (53)	85.7 (42)
<b>Actively Participate:</b>			
Suggest alternative solutions	76.3 (257)	82.6 (71)	87.8 (43)
Negotiate compromises	64.1 (216)	38.4 (33)	63.3 (31)
Conduct mediation	19.0 (64)^	9.3 (8)^	10.2 (5)^
Monitor visitation	27.6 (93)	52.3 (45)	24.5 (12)
Supervise visitation	11.6 (39)^	15.1 (13)	4.1 (2)^
Negotiate visitation issues	62.3 (210)	40.7 (35)	65.3 (32)
Monitor child support order	14.2 (48)^	11.6 (10)^	16.3 (8)
Make written or oral reports to the court	73.9 (249)	95.3 (82)*	85.7 (42)
Facilitate service delivery	16.3 (55)^	18.6 (16)	22.4 (11)

\*Responsibilities receiving the most support.

^Responsibilities receiving the least support.

### **Effectiveness of Guardians ad Litem Services**

Judges were asked questions concerning the effectiveness of guardians ad litem in their court. Overall, judges are positive in their evaluation of guardians ad litem in their work with abuse and neglect cases. Almost 86 percent of the judge respondents perceive their guardians ad litem as essential elements in abuse and neglect cases. In addition a majority of judges (83.7%) perceive the guardians as effective at guarding the best interests of the child.

With respect to individual characteristic evaluations, nearly all of the judge respondents (95.9) report that guardians ad litem are consistent at attending court hearings. An overwhelming majority of judges also responded that guardians question witnesses when appropriate (93.9%), and conduct themselves in a professional manner (93.9%). However, a number of judges are concerned about the supervision that guardians at litem receive, as 16.3 percent of the respondents do not believe guardians are adequately supervised. (See Table 14).

**Table 14. Judges' Responses to Guardian ad Litem Effectiveness**

Percentage (N)	Agree	Disagree	No Opinion/ Missing
GALs are experienced	83.7 (41)	8.2 (4)	8.2 (4)
GALs are adequately trained	67.3 (33)	16.3 (8)	16.4 (8)
GALs appear responsive to parents	67.3 (33)	4.1 (2)	28.5 (14)
GALs show no bias toward involved party	79.6 (39)	4.1 (2)	16.4 (8)
GALs are adequately supervised	57.1 (28)	16.3 (8)	26.5 (13)
Enough qualified GALs are available	36.7 (18)	51.0 (25)	12.3 (6)
GALs investigate their cases	79.6 (39)	12.2 (6)	8.2 (4)
GALs' reports are complete and accurate	67.3 (33)	10.2 (5)	22.5 (11)
GALs are well informed about legal system	79.6 (39)	10.2 (5)	10.2 (5)
GALs advocate strongly for child	87.8 (43)	6.1 (3)	6.1 (3)
GALs work to actively protect child	87.8 (43)	6.1 (3)	6.1 (3)
GALs request legal assistance when appropriate	30.6 (15)	8.2 (4)	61.2 (30)
GALs reports & recommendations are timely	87.8 (43)	4.1 (2)	8.2 (4)

GALs attend most court hearings	95.9 (47)	4.1 (2)	4.1 (2)
GALs are well prepared for court hearings	85.7 (42)	6.1 (3)	8.2 (4)
GALs question witnesses when appropriate	93.9 (46)	2.0 (1)	8.2 (4)
GALs conduct themselves in professional manner	93.9 (46)	6.1 (3)	6.1 (3)
GALs are an essential element in abuse and neglect cases	85.7 (42)	8.2 (4)	6.1 (3)
GALs are effective at guarding the best interests of the child	83.7 (41)	6.1 (3)	10.2 (5)

### **Measure of Guardian ad Litem Effectiveness by Recommendations Accepted**

Another measure of guardian ad litem effectiveness is to assess how often a judge accepts and rules in favor of the recommendation given by the guardian ad litem. Guardians ad litem and CASAs serving as guardians ad litem were asked how they perceived the judges' acceptance of their recommendations.

### **Guardian ad Litem Perceived Response to Case Recommendations by Judges**

Over one-third (39.6) of the responding guardians ad litem report that their recommendations are accepted as reported unless formally challenged by a party. Approximately, another one-third (37.0%) perceive their reports to be treated as just another piece of information submitted by any other party in the case. (See Table 15).

**Table 15. Guardian ad Litem Perceived Response to Case Recommendations by Judge**

	<b>Percent</b>	<b>N</b>
Recommendations are accepted as reported unless formally challenged by a party	39.6	108
Judges will occasionally question recommendation, but overall they carry a great deal of weight.	15.4	42
Reports are treated as another piece of information submitted by any party.	37.0	101
Other	8.1	22
<b>Totals</b>	<b>100.0</b>	<b>273</b>

\*64 cases of missing data for this variable

There are 57 respondents who offered comments regarding whether the judges' followed the guardian ad litem recommendations. Many of the comments stated that their reports are oral and not written. Most respondents commented that whether their recommendations are followed depends on the judge or the case; while an equal number suggested that the judge usually follows their recommendation. (See Table 16).

**TABLE 16 Additional Comments by Guardian ad Litem Respondents: Judges' Following the Guardians ad Litem Recommendations**

<b>Comment:</b>	<b>Number:</b>
<b>Depends on the Judge/ Case/ Circumstances</b>	<b>15</b>
<b>Recommendation (Report) Treated as Other Evidence</b>	<b>9</b>
<b>Recommendations (Reports) Considered Seriously</b>	<b>8</b>
<b>Recommendation Usually Followed</b>	<b>15</b>
<b>Total</b>	<b>57</b>

When guardians ad litem were asked to provide a written percentage approximating how often judges accept their recommendations in abuse and neglect cases a majority of guardians ad litem have responded that their recommendations are accepted in most cases. All but one respondent reports that their recommendations are accepted at least 50 percent of the time. Nearly two-thirds (63.2%) of the respondents report that their recommendations are accepted at least 90 percent of the time. While, approximately one-fourth (24.2%) of the responding guardians ad litem report that judges accept their recommendations at least 97 percent of the time. (See Table 17)



**Table 17. Guardian ad Litem Responses to What Percentage of Time Judges Accept Their Recommendation**

Percent of Recommendations Accepted	Percentage	N
30 percent accepted	0.4	1
50 percent accepted	4.1	11
60-66 percent accepted	2.7	7
70-75 percent accepted	10.5	28
80-85 percent accepted	19.2	51
90-95 percent accepted	39.0	104
97-100 percent accepted	24.2	65

\*Percentages may not equal 100 due to rounding. Some percentage categories are not included because there was no response indicated.

### **CASAs' Perceived Response to Case Recommendations by Judges**

CASAs who serve as guardians ad litem were asked how they perceived the judges' acceptance of their recommendations. Nearly two-thirds (63.1%) of the responding CASAs report that their recommendations are accepted as reported unless formally challenged by a party. Another 20.2 percent perceive their reports to be treated as just another piece of information submitted by any other party in the case. (See Table 18).

**Table 18. CASAs' Perceived Response to Case Recommendations by Judge**

	Percent	N
Recommendations are accepted as reported unless formally challenged by a party	63.1	53
Judges will occasionally question recommendation, but overall they carry a great deal of weight.	9.6	8
Reports are treated as another piece of information submitted by any party.	20.2	17
Other	7.1	6
<b>Totals</b>	100	84

\*2 cases of missing data for this variable

CASAs were asked to provide a written percentage approximating how often judges accept their recommendations in abuse and neglect cases. A majority of CASAs responded that their recommendations are accepted in most cases. All CASAs responded that their recommendations are accepted at least 50 percent of the time. Nearly three-quarters (71.9%) of CASA respondents report that their recommendations are accepted at least 90 percent of the time. While, approximately one-half (49.2%) of the responding CASAs report that judges accept their recommendations at least 98 percent of the time. (See Table 19).

**Table 19. CASAs' Responses to What Percentage of Time Judges Accept Their Recommendation**

Percent of Recommendations Accepted	Percentage	N
50-60 percent accepted	2.6	2
70-75 percent accepted	13.3	10
80-89 percent accepted	12.0	9
90-95 percent accepted	22.7	17
98-100 percent accepted	49.2	37

\*Percentages may not equal 100 due to rounding. Some percentage categories are not included because there was no response indicated.

There are 11 respondents who offer comments regarding the judges' decision to follow the CASA volunteer recommendations. Most respondents comment that their recommendations are given careful and thoughtful consideration by the judge. (See Table 20).

**Table 20. Additional Comments by CASA Respondents: Judges Following the CASA Recommendations**

Comment:	Number:
Recommendation (Report) Treated as Other Evidence	2
Recommendations (Reports) Considered Seriously	8
Recommendation Usually Followed	1
Total	11

**QUESTION GROUPING 4: What Percentage Of Missouri's Abused and Neglected Children That Go Through a Juvenile Court Hearing are represented by Guardians ad Litem?**

Circuit clerks were asked if they could provide data on the number and percentages of abused/neglected children represented by guardians ad litem or CASAs serving as guardians ad litem, or direct us to the office or individual responsible for collection of that information. Twenty-five circuit clerks did not respond in any way to this question. Thirty-two counties responded to this request, and 14 of these counties reported that this information is not available or unknown. Two counties referred us to their local juvenile office and 16 counties provided some form of the data.

Of the 16 counties providing data, 11 counties responded that 100 percent of children in juvenile abuse and neglect court proceedings are represented by a guardian ad litem. Two counties admit that not all children involved in abuse/neglect court proceedings are represented by a guardian ad litem. The counties responded that only eight percent and 80 percent respectively of their cases in 2000 were represented by a guardian ad litem.

The number of abuse and neglect cases handled in each county annually ranged from three to 1740 cases. The most frequently reported number of cases (mode) is 50 with three counties reporting. (See Table 21).

**Table 21. Circuit Clerks' Responses to the Percentage and Number Children Involved in Juvenile Court Abuse/Neglect Proceedings that are Represented by Guardians ad Litem**

Number of Circuit Clerks	Percentage of Cases Served by a GAL	# of Abuse and Neglect Cases
1	8	
1	80	
11	100	
1		3
1		4
1		26
3		50
1		662
1		1740

Data is based on 2000 county records

## **DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS**

In this chapter, we summarize and offer our interpretations of the results of this study, as well as offer our recommendations for the guardian ad litem system in the state of Missouri and for future research. Similar to the Findings section, the summary of the results will follow the outline of the four groupings of research questions.

### **RESEARCH QUESTION GROUPING 1: Method of Assignment and Guardian ad Litem Compensation**

#### **Method of Guardian ad Litem Assignment**

In our preliminary discussions with guardians ad litem in various parts of the state, as well as through the literature, it was evident that there is not a standard method of guardian ad litem assignment to neglected and/or abused children in juvenile court proceedings. This study's results present the same conclusion. Even though a majority of the courts select attorney guardians ad litem by random selection, there is also a number of other methods in selecting who will serve as the guardian ad litem as listed in the Findings section. CASA case assignment of a guardian ad litem was split among three primary methods, their personal suitability to the case, random selection, and via recommendation of the CASA administrator.

Interesting about these findings is that even though approximately one-half of both judges and guardians responded that random selection is the method of assignment, the other half of each sample comes to little agreement.

In sum, each Missouri County appears to use a method that is suitable to their situation. For instance, two of the most populated counties have a guardian ad litem office coordinated by

an administrator and a majority of the attorneys in these offices are contracted to work solely as guardians ad litem. However, more rural counties have different approaches to assigning guardians ad litem. First, and the most commonly reported method, is random selection of attorneys in good standing within the county or judicial circuit. Secondly, some counties responded that they primarily use one or two attorneys that have been “earmarked,” and have agreed to serve, as the guardian ad litem. When they are not available, the court randomly selects from the list of county/circuit attorneys in good standing.

Recommendation: The importance of guardian ad litem assignment is to ensure that qualified, trained individuals are representing the best interests of the children who are involved in abuse and neglect hearings. It is our opinion that one of the best ways to ensure this is to have certain attorney(s) within the county/circuit who specialize as guardians ad litem. Selecting from a list of attorneys in good standing does not ensure that they are trained as a guardian, or informed of current legal issues surrounding juvenile abuse/neglect cases. In addition, there is no assurance that they are taking the case willingly, instead they may feel coerced into it by fear of upsetting the judge who has recommended them as a guardian ad litem for a specific case.

It has come to our attention that one circuit is using law students serve as guardians ad litem to acquire experience. Without knowing full details of the agreement, we hope that the law students are closely mentored by experienced and trained guardians ad litem. A mistake in a case involving a child of possible abuse and neglect is not a case that can be easily dismissed as a “learning experience.”

## **Guardian ad Litem Compensation**

Compensation for work as a guardian ad litem appears to be an issue of contention for some guardians ad litem. The majority of guardians ad litem billed on a case-by-case method or were paid the flat fee/hourly rate set by the court. Some guardians ad litem have noted that when they bill the court or the parents involved in the case, it is difficult to get paid or get paid the full amount. In addition, the court sets the fee or hourly rate at considerably less than most attorneys' regular hourly rate. When an attorney has the option to work for their regular hourly rate versus the reduced guardian ad litem rate, it is not difficult to determine the dilemma created.

Recommendation: The above compensation discussion lends support to the earlier recommendation of specific dedicated attorneys to work as a guardians ad litem. If the workload is adequate enough, as it is in some areas, another recommendation is to have the guardian ad litem as a salaried position.

## **RESEARCH QUESTION GROUPING 2: Guardian ad Litem Training and Its Perceived Effectiveness**

This section is presented in the following manner. Guardian ad litem training is examined first through the responses of the attorney guardians ad litem, followed by an examination of the CASA respondents results, and thirdly, judge's responses regarding guardian ad litem training are discussed. Finally, a section regarding suggested additional areas of training is presented. The responses of the three response groups are not compared and contrasted because the number of responses received from each group would make the methodology faulty.

## **Guardian ad Litem Training as Perceived by Attorney Guardians ad Litem**

Guardians ad litem in the state of Missouri are required to take guardian-specific training if their circuit or county has adopted the Missouri Supreme Court Standards for guardians ad litem. The findings indicate that over one-half of the judges responded that their circuit has adopted the standards, while just about one-third of the guardians responded that their circuits have adopted the standards. In addition, the majority of responding judges and guardians even within the same circuits appear to be in contention as to adoption of the standards. There is widespread confusion as to whether or not the Missouri Supreme Court Standards for guardians ad litem have been adopted.

Despite the confusion about the adoption of standards, a majority of responding guardians have had the 12 hours of guardian ad litem training as mandated by the Missouri Supreme Court Standards - even if their circuit has not adopted the Standards.

Even more important than the hours of training is the perceived quality of the training and the perceived benefits of the training to the performance of duties as a guardian ad litem in abuse and neglect cases. Some topics of training are perceived as better quality than other topics, but not even one individual training topic received higher than 71.5 percent rating in the excellent and good category. *GAL Standards* training and training on the *Issues on Dynamics of Child Abuse and Neglect* scored the highest. One area that over a quarter of the guardians rated as poor is *Mediation and Negotiation Skills*. However, it has come to our attention that Missouri guardians ad litem are not required to perform this function. Other areas in which training quality may be improved are *Gender-Specific Issues*, *Cultural/Ethnic Diversity* and *Community Resources and Services*.



With respect to the perceived benefits of guardian ad litem training, a majority of the training is perceived as beneficial for performing the job responsibilities of representing children in abuse and neglect cases. Unfortunately, the two training topics perceived to be most beneficial: *Best Interest of the Child Factors* and *Family and Domestic Violence* only reflect 66.8 percent and 68.2 in the excellent/ good category respectively when it comes to quality of training.

Recommendation:

It may be important to improve the quality of training across the board of topics, but start by concentrating in the areas that are considered to be the most beneficial to job performance by the largest majority of guardians. These would be: *Best Interest of the Child Factors*, *Family and Domestic Violence*, *Dynamics of Child Abuse and Neglect Issues* and *Community Resources and Services*. It might also prove beneficial to regularly survey guardians as to the quality of training after they have served as a guardian for a period of time. This would help keep training current with changing trends in the field.

In addition to the improvement of some training topics, some guardians ad litem would like to see additional training in the area of the “Nuts and bolts” training of “how to be” a guardian ad litem. This includes a specific list of duties, responsibilities, and expectations of a guardian ad litem in abuse and neglect cases. Another area addressed through comments guardians ad litem made includes training on the functions and relationships between the juvenile court, the Division of Family Services and the guardian ad litem. Also, as many law schools do not discuss juvenile law issues, unless individuals seek it out, training in the area of juvenile law may be important for many guardians ad litem.

Since the majority of guardians ad litem taking the training believe that much of the training is beneficial to performing the duties of a guardian ad litem, it may be time to revisit the Missouri Supreme Court Standards and the rationale for allowing the individual courts the decision of adoption. We say this with caution, as we understand that the original decision was probably based on the realities of money and resources within the individual courts. No child should not be represented by a guardian ad litem because the court in that jurisdiction does not have any attorneys that meet the standards.

In addition, we say with caution, that the issue of consequences for guardians ad litem who do not meet the Standards Training needs to be addressed. Although, we did not systematically evaluate the consequences of not meeting the Missouri Standards for guardians ad litem, the initial qualitative discussions with guardians did not indicate any consequences.

### **CASAs Training**

CASAs serving as guardians ad litem are receiving in some cases more than twice the training hours of attorney guardians. This most likely proves beneficial as they are volunteers with no or little legal background. The three training topics given high ratings by a majority of CASAs are the same training topics perceived to be of high quality by guardians ad litem (*Dynamics of Child Abuse and Neglect, Best Interest of the Child Factors* and *GAL Standards*). The training topic perceived by a majority of CASAs as poor is *Mediation and Negotiation Skills*. This is probably because in Missouri mediation is not considered one of GALs' responsibilities, by many CASAs, guardian ad litem or judges who responded, and is not emphasized within training.

With respect to CASAs' perceived effectiveness of the training as it relates to the performance of duties as a guardian ad litem, a majority of the training topics are seen as beneficial by a majority of the CASAs. Coincidentally, the training topics perceived by the largest majority of CASAs as quality are the same topics perceived by a majority of the CASAs as beneficial (*Dynamics of Child Abuse and Neglect Issues, Best Interest of the Child Factors, and GAL Standards*).

Recommendation:

Even though training is perceived by a majority of CASAs to be of quality and of benefit to serving as a guardian ad litem, some areas of CASA training might benefit from being standardized similar to the training outlined in the Missouri Supreme Court Standards. As gathered from the responses, individual CASAs train their own volunteers initially in lieu of fundamental statewide training. This individual training is probably essential to teaching volunteers the nuances of individual courts. However, it might be beneficial to have a list of recommended training topics for CASAs who volunteer in programs with the GAL model. It might also prove beneficial if within CASA guardian ad litem training, emphasis is placed on the importance of addressing cultural and ethnic diversity issues, as well as gender issues.

CASA respondents also offered suggestions of additional training topics. Though only a small number responded, topping the list is a training session of juvenile courtroom procedures. This may be handled within the individual counties or circuits. Also topping the list is how to deal with the family and what are the guidelines and boundaries for this.

## **Judges' Perceptions of Guardian ad litem Training**

In examining judge respondents overall perceptions of guardian ad litem training, judge respondents appear to take a more child welfare approach to the issue rather than a legal approach. What we mean by that, is that their responses reflect more concern for the welfare of the children in these cases rather than an emphasis on the legal process. Judges rate very highly the categories of *Best Interest of the Child Factors*, *Permanency Planning*, *Dynamics of Child Abuse and Neglect Issues* and *Family and DYS*.

## **Suggested Additional Training Topics by Guardians ad Litem and CASAs**

Most guardians ad litem feel the training is beneficial overall. The additional training topic comments reflect a desire for training in more of the how to do this job both in the courtroom and in relationship to other involved agencies, such as Department of Family Services, Department of Mental Health and Juvenile Court. Guardians ad litem may have responded in this fashion, because it is likely that they may feel 'left out' of the loop with respect to communications between the juvenile court workgroups.

### Recommendation:

Future research may concentrate in the area of juvenile court workgroups with respect to juvenile abuse and neglect cases – how guardians ad litem fit into this workgroup as they are relatively new to the Missouri juvenile workgroup. GALs indicate that they may perceive their role as a purely legal approach to their position in the workgroup, and not one having much involvement with community service agencies.

With respect to additional training topics offered by CASAs, they responded similarly to the guardians ad litem in that they desire information about the workings of the juvenile court

and also information about interagency relationships. Interesting to note, however, is that there were three comments made on self-survival which was not seen among any of the other study samples.

### **RESEARCH QUESTION GROUPING 3: GAL Services Provided and Perceived Effectiveness of the Services**

The following information is presented as it was in the research results and can be found in Table 14. Below each major topic of responsibility that was included regarding guardian ad litem perceived responsibilities is listed. Researcher comments regarding the research results are added to each area. The section is organized with attorney guardians ad litem respondents presented, followed by CASA responses and then the responses of the judges and commissioners. In this section there are no recommendations as these research results indicate guardians ad litem perceptions about their job requirements. The perceived effectiveness of guardian ad litem services is presented at the end of this section. GAL perceived effectiveness is measured by judge and commissioner responses.

#### **Responsibilities of Guardians ad Litem in Abuse and Neglect Cases as Perceived by Guardians ad Litem**

##### ***Develop Knowledge or Expertise***

Although all areas included in this section are seen as responsibilities of a guardian ad litem, *familiarity with the statutes governing family/juvenile court* is perceived as guardian ad litem responsibility more so than reading *relevant court decisions and legislation*.

### ***Maintain a Relationship with the Child***

With respect to guardians ad litem maintaining a relationship with the child, it is interesting to note that a larger majority of attorneys indicate they are doing this through issues that evolve around the court process rather than by personal contacts with the child.

### ***Maintaining Professionalism***

A majority of guardians ad litem believe that *consulting and working with other professionals* is a responsibility, yet it is not done primarily by seeking case consultation or maintaining contact with community resources. Therefore, the question is who are they consulting and working with – other legal professionals? Is there consultation with social service workers, juvenile court personnel and Department of Family Services workers?

### ***Conduct Independent Investigations to Develop Recommendations***

The majority of guardians ad litem do not think their job responsibilities extend to community responsibilities such as *attending school conferences, locating and recommending services for clients or making financial issue recommendations or conducting custody evaluations*. This may reflect more comfort in within legal zone as opposed to the child welfare zone by attorney guardians ad litem.

### ***Participate in the Court Process***

There are a couple of points indicated in the findings. First there was a low response to anything involving the mediation process. Second, though participation in settlement conferences is seen as a responsibility by a majority of guardians ad litem, response percentages are lower than many other responsibility categories.

### ***Actively Monitor Case Progress***

A majority of guardians ad litem respond that they should keep in touch with service providers, but it is least important, they feel, when compared to meeting with client and client's family. Guardians ad litem should keep in mind they are not working these cases alone, though they are the ones making recommendations on the finality of it. Therefore it is critical for them to collect case information from community service providers as well as work with them closely in abuse and neglect cases.

### ***Provide for legal Representation***

Guardians ad litem indicate the importance of fulfilling their roles as guardians, but do not see their role as overseeing the quality or the presence of legal representation for the child.

### ***Actively Participate***

Guardian at litem indicate that they are comfortable being in front of the court, monitoring court proceedings and making recommendations. They indicate that they are not responsible to participate outside of the court.

### ***Overall Conclusion***

It is obvious when examining the results of this section of the research, that guardian ad litem respondents indicate the perception that their responsibility focuses on their courtroom duties. They are, after all, trained attorneys. The guardians ad litem also indicate that their job responsibilities are not as focused on case follow-up and outside investigation.

## **Responsibilities of Guardians ad Litem in Abuse and Neglect Cases as Perceived by CASAs**

### ***Develop Knowledge or Expertise***

CASA respondents indicate they need to keep current with statutes, but indicate a much lesser need to stay current with case law and legislation.

### ***Maintaining a Relationship with the Child***

CASA respondents focus on maintaining a relationship with the child by keeping a regular close relationship with the child. Their responses indicate much concern for making sure the court knows the child's wishes. There appears to be a pattern in the CASA responses that demonstrate an overall concern for child's welfare and a lesser concern with the legal issues.

### ***Maintaining Professionalism***

Of highest concern of the CASA respondents in this section is to maintain the child's confidentiality. CASA respondents indicate they are willing to seek outside consultation and supervision and as well as maintain contact with community resources.

### ***Conduct Independent Investigations to Develop Recommendations***

A large majority of CASA respondents demonstrate a willingness to use outside resources as tools to conduct their investigations.

### ***Participate in the Court Process***

CASA respondents indicated that when it comes to participating in the court process, they are willing to attend mediation sessions, but don't feel it is their role to actively participate in them. CASA respondents indicated that they rarely participate in settlement conferences when compared to other hearings.



### ***Actively Monitor the Case Progress***

CASA respondents indicated that it is very important for them to keep cases up to date by first, maintaining contacts with individual clients and also with family and community service providers.

### ***Provide for Legal Representation***

CASA respondents indicated a willingness to seek court action when needed, but indicated that they are not comfortable with other legal processes such as cross-examining witnesses.

### ***Actively Participate***

CASA respondents indicate that they are comfortable at making reports and suggesting alternative solutions and one half of the respondents monitor visitations. Otherwise, CASA respondents indicate that many of the other response categories are not seen as primary responsibilities.

### ***Overall Conclusions***

CASA respondents indicate an overall pattern of responsibility that focuses on the child and maintaining close contact with the child. They also indicate a responsibility to maintain contact with family, community service providers and to use outside tools and consultants when appropriate. The respondents also indicated that they are not as likely to view parts of the court process as their responsibility.

## **Responsibilities of Guardians ad Litem in Abuse and Neglect Cases as Perceived by Judges**

### ***Develop Knowledge or Expertise***

Judge respondents indicate, in almost total agreement, that guardians ad litem need to be familiar with relevant statutes and a smaller majority perceive that there is a need for guardians ad litem to be updated on legislation as well as appellate and supreme court decisions.

### ***Maintain a Relationship with the Child***

Judge respondents indicate it is important for the guardians ad litem to inform the court of the child's wishes. They also indicate that it is just as important a guardian ad litem responsibility to help the child understand the court system as it is for the guardian ad litem to report suspected abuse.

### ***Maintain Professionalism***

Judge respondents indicate that it is important for guardians ad litem to maintain confidentiality and consult with other professionals.

### ***Conduct Independent Investigations to Develop Recommendations***

Judge respondents indicate that guardians ad litem investigative responsibilities fall more within the realm of gathering immediate court needed information than in assisting to solve overall family problems.

### ***Participate in the Court Process***

Judge respondents indicate that guardians ad litem responsibilities include being present at meetings and conferences. Over half of the judge respondents indicate that guardians ad litem should attend mediation, but less than half believe they should participate in that mediation.

### ***Actively Monitor Case Progress***

Having the GALs stay current on the case is indicated as important by judge respondents. Judge respondents indicate that that might be best done by visiting with the client.

### ***Provide for Legal Representation***

Judge respondents indicate that guardians ad litem legal representation should include conducting examination and cross examinations as well as being the child's voice in court. In addition, judge respondents indicated that guardians ad litem should seek court action when needed. However, judge respondents indicate that requesting an attorney for the child is not a guardian ad litem responsibility.

### ***Actively Participate***

A larger majority of judge respondents indicate that taking care of immediate court action is a guardian ad litem responsibility as opposed to such outside court activities as monitoring child support, conducting mediation, or supervising mediation.

### ***Overall Conclusions***

The judge respondents tend to indicate that they perceive guardian ad litem responsibilities as those of a legal nature.

## **Judges and Commissioners Responses to Guardian ad Litem Effectiveness**

There are three areas of interest that jump out of the research results when judge respondents are asked about guardian ad litem effectiveness. Very seldom are judge respondents critical of the guardians ad litem that serve in their courts. Their concerns are directed more at the GAL system rather than at individual guardians ad litem. First, according to a majority of judge respondents there is a need for more qualified guardians ad litem. Second, judges believe

that guardians ad litem generally need some supervision. Third, the judge respondents indicated that guardians ad litem need more adequate training. This could refer to either those guardians ad litem trained, not trained or both.

Recommendation: The concerns that the judge respondents indicated are concerns of an administrative nature. The concerns centered on recruitment, supervision and training, and are not leveled at the quality of the job performed. Again, the question of following mandated standards is raised. Would that guarantee that all guardians ad litem are at least trained? Recruitment and supervision issues may be best served through a judicial workgroup. There are some judges who indicate that they do have a fair number of guardians ad litem and that they, or someone, supervises them. They could share their administrative techniques with other judges. Some judges indicated concern about the number of qualified guardians ad litem. Again, some solutions might be offered in a solution seeking judicial workshop.

#### **RESEARCH QUESTION GROUPING 4: Percentage of Abused/Neglected Children in Juvenile Proceedings Represented by GALs**

There were so few reliable responses that we are unable to draw any conclusions. Any attempts to contact circuit juvenile offices or judges might well result in the need to peruse every case file. The decision to do so was set aside when exploratory phone calls resulted in two judges verbally telling us we would not be given access to that information.

Recommendation: This research question constitutes a research project in and of itself. If we literally adopt an ideal stand, we would define the word *shall* in the Missouri Standards to mean *must*. Thus, we would conclude that every child has a guardian ad litem appointed if they are part of a hearing in juvenile court that involves the issue of abuse and neglect. However, we

would also assume that pursuant to In re Gault, every child accused of breaking the law has representation in juvenile court. Research continues to investigate that premise. Thus, we would recommend that someone pursue this research and determine the answer to this research question.

## **OVERALL CONCLUSIONS AND RECOMMENDATIONS**

Overall there is no statewide governing body who's duty it is to oversee the guardian ad litem program in Missouri. Thus, there is no governing body dealing with, in particular, the administrative issues of the GAL program. Were one to be created, the immediate tasks at hand should include:

- a statewide master list of guardians ad litem
- a list of circuits who use guardians ad litem
- a list of which circuits have adopted the standards
- a publication of 'best practices' for the recruitment, training, supervision and accountability of guardians ad litem
- a list of guardians ad litem willing to help out in those circuits lacking available personnel
- a list of suggestions for circuits to motivate guardian ad litem participation and effectiveness that reflect an understanding that monetary compensation for guardians ad litem is an issue.
- Investigation of the role of the guardians ad litem with respect to mediation and negotiation. While listed as a training area by

the Missouri Supreme Court, our research reflects that it is not perceived as a major responsibility by many of our respondents. This contradiction should be resolved.

To close, in the words of one respondent, *“Our kids are important!”*

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